***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.4957 of 2007**

**Dated:12.03.2007**

Between:

S.Akbar Hussain and another.

…Petitioners.

and

The State of A.P., represented by its Principal Secretary and others.

…Respondents

***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.4957 of 2007**

**ORDER:**

The 1st petitioner is the owner of a vehicle, bearing registration No.AP-04-U-5882. The Motor Vehicles Inspector, Nandyal, the 3rd respondent herein, seized the same on 25-02-2007, under a vehicle check report. As many as five defects were pointed out. The prominent among them are, that the vehicle did not have registration certificate, and that it was plying without permit. The petitioners seek release of the vehicle.

Heard the learned counsel for the petitioners and the learned Government Pleader for Transport.

The Motor Vehicles Act (for short '*the Act*') and the Rules made thereunder prescribe the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the consequences that flow from such determination. According to the petitioners, notice under any provision of the Act, has not yet been issued.

The question, as to whether the lapses pointed out in the vehicle check report are true or not, needs to be decided in the proceedings, that may be initiated in accordance with the relevant provisions of law.

Continued detention and seizure of the vehicle does not advance the purpose, or interest of the respondents. On the other hand, it would expose to theft of parts, and damage. The interest of the respondents can be protected by directing that the vehicle of the 1st petitioner be released, subject to certain conditions.

Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle, bearing No.AP-04-U-5882, to the petitioners, on their paying a sum of Rs.5,000/- (five thousand). They shall also file an undertaking to the effect that they shall produce the vehicle as well as the documents, as and when required by the respondents, failing which, the respondents shall be entitled to seize the vehicle once again, and that they shall not alienate the same, in the meanwhile.

There shall be no order as to costs.

**L. NARASIMHA REDDY, J.**

**Dt.12-03-2007.**

*Note:Furnish C.C. by 13.03.2007.*
*(B/o)*
*GJ*